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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

amination of: KERN et al.

Serial No.: 09/637,752

Group Art Unit: Unassigned

Filed: April 29, 1996

Examiner: James Thompson

For:

ADENO-ASSOCIATED VIRUS-ITS

Attorney Docket No.:

DIAGNOSTIC USE WITH EARLY

8484-013-999

ABORTION

### **DECLARATION OF CAROLYN GARCIA**

Assistant Commissioner for Patents **Box DAC** Washington, D.C. 20231

Sir:

- I, Carolyn Garcia, a citizen of the United States, do hereby declare and state as follows:
- 1. I am the Docket Supervisor in the Records and Docketing department of Pennie & Edmonds LLP, located at 1155 Avenue of the Americas, New York, New York 10036.
- 2. Since August, 1983, my duty has been and is to maintain, personally and with the assistance of other employees of the firm, the docketing system, by means of which a record is maintained of all communications received from the United States Patent and Trademark Office (PTO), record is maintained of the status of pending applications, and by means of which timely reminders are made to the attorneys of the firm of the requirements for amendments, appeal, payment of issue fees and the like.

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- 3. For this purpose, the firm maintains, and has since my employment maintained, a daily tickler record of all pending applications for a United States patent in which a response, issue fee or other action (e.g., appeal to the Board of Appeals and Interferences) is due in the United States Patent and Trademark Office on such day. Since I assumed the position of Docket Supervisor in 1983, the daily tickler record has been computerized.
- 4. The New York office of the law firm of Pennie & Edmonds LLP is required by policy to utilize the following docketing procedures:
- a. Official PTO Correspondence is entered in a mail log on the date on which it is received.
- b. A photocopy of each piece of PTO correspondence is made and kept in the Docketing Department.
- c. PTO Correspondence is docketed in three places: (1) computerized docketing system, (2) on the file itself for each United States Patent Application file, and (3) on the correspondence itself.
- d. All PTO correspondence is reviewed prior to being delivered to the appropriate attorney.
- e. The file with the docketed PTO correspondence is then forwarded to the appropriate attorney.
- 5. The first notification that I received that an Decision on Petition for Revival Under 37 CFR 1.137(b) ("Decision"), dated February 15, 2000, had been mailed for this application was when Mr. Joseph Clark, a secretary supporting and working under the direction of attorney Birgit Millauer, with Pennie & Edmonds LLP, inquired about the Decision on September 7, 2000. A review of the files (Pennie & Edmonds LLP docket no.

P.04/04

8484-013) did not reveal the Decision dated February 15, 2000. Copies of the mail logs from February 15, 2000 through May 31, 2000 indicating that no Decision, dated February 15, 2000, was received, are attached hereto as Exhibit 1.

- 6. The above-identified procedures for handling mail were in place at the time the Decision, dated February 15, 2000, would have been received in our offices. I checked the mail log for the days between February 15, 2000, and May 31, 2000, to determine whether a Decision, dated February 15, 2000, was received for this application. My search did not identify a copy of the Decision, dated February 15, 2000.
- 7. I have checked the computer docketing system and no indication of the Decision being received is there.
- 8. There is no indication in any of our records that I am responsible for that the Decision was ever received.
- 9. It is my belief, based upon my search and my personal knowledge, that the Decision, dated February 15, 2000, for this application was never received by Pennie and Edmonds LLP between February 15 and May 31, 2000.
- 10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Carolyn Garcia

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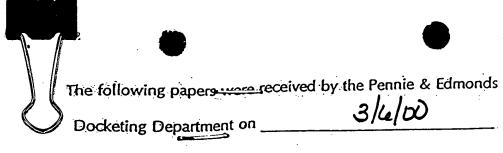
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8907-078	9175-11	?		
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4821-173	6523-024			
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8996-011-228		9707 004.228		
9426-022-228		7853-197		
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6797-3-228	10318-3-228			
174-745-228	9657-3-999			
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The following U.S. Patent papers were received by the Pennie & Edmonds

Docketing Department on \_\_\_\_\_5

Office Actions	Filing Receipts	Assignments	Issue Notification	Other
9442-003	9555-015			
9602-003				
9532-031				
8912-004				
8613-031				
9804-008				
3006-036				
8907 - 031				
5624 - 177				
1490 - 040				
4843-166				
7174-069				
10231-003				
9904 009				
9804 - 008				
09/211/804				
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7853 197				
8907-088				
8484 - OZR				
M/291901				
9598-068				
8031-010 8484-038 09/891,901 9598-068 848-037 9840-039 10414-005 1719-226 1478-006				
7840-039				
2267-009				
10414-005				
1719-226				
7478-006				

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Docketing Department on 5/3/00

Office Actions	Filing Receipts	Assignments	Issue Notification	Other
8613-003				
8613-003 8613-030				
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The following <u>U.S. Patents</u> papers were received by the Pennie & Edmonds

Docketing Department on 5/3/00

Office Actions	Filing Receipts	Assignments	Issue Notification	Other
9627-003 7156-079 174-696 8657-031				
7156-079				
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The following U.S. Patents papers were received by the Pennie & Edmonds

Docketing Department on \_\_\_\_5/8/00\_\_\_\_\_

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Office Actions	Filing Receipts	Assignments	Issue Notification	Other
9598-034	9532-029			
318-241	08/930,500			
7872-052	9885-007	<u>.</u>		
7594-038	6739-067		,	
7960-072	8484-060			
7326-101	318-240			
9434-009		-		
1101-909				
8317-026				
8265-169				
2270-026				
8265-207				
2270-018				
8031-010				
414-141				
3147-017	•			
7444-034				
8479-038				
9195-004				
9080-005				
8511-021				
9387-012				
8265-238				
09/280,252				
7116-073				
7853-109				
2270-03		,		
8265-025		<del></del>		
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The following U.S. Potents papers were received by the Pennie & Edmonds

Docketing Department on \_\_\_\_\_5/9/00\_

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174-760	9301 - 040			
10003-031	174-556			
174-729	9424-043		<del> </del>	
6923-083			-	
174-742	9629-003		, v .	
6551-1283	8399-001			
174-603	10003-031			
174-705	9301-029			
4821-369	10003-030			
4821-334	7565-073			
174-762	7867-018			
8389-05	8141-126			
174-676	9584-016			
2017-035	9632-005			
8951-124	8535-027			
9856-003	3756-413			
174-746			<del> </del>	
174-675				
5894-128				
10053-06				
9473-012				
10172-02				
10164-010				
9413-012 10172-012 10164-010 2499-141 9720-013 9598-034 9362-016 9392-016				
9720-013				
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The following U.S. Ratents papers were received by the Pennie & Edmonds

Docketing Department on 5/10/00

	Filing Receipts	Assignments	Issue Notification	Other
Office Actions	Filing Receipts	, 0.3/g		
7326-074				
9002-006				
9041-004				
5868-006				
9301-059			at .	
8265-243				
5801-133				
8484-079				
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Office Actions	Filing Receipts	Assignments	Issue Notification	Other
2267-010				
7853-089				
10244-004				
9677-003				
8951-125			٠.	
174-711				
174-680				
2988-603				
9683-003				
9301-057				
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8140-058				
7326-075				
7842-047				
9324-008				
8449-045				
174-696		_		
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The following <u>U.S. Ratents</u> papers were received by the Pennie & Edmonds

Docketing Department on <u>5/19/00</u>

Office Actions	Filing Receipts	Assignments	Issue Notification	Other
7853-083	9392-020			
9348-003	1830-867			
7761-008	174-661			
318-194				
7812-047		****		
7960-061				
7853-109				
7853-048				
1830-756				
8828-017				
8958-019				
8449-045				
4205-025				
4426-003				
10053-042	· · · · · · · · · · · · · · · · · · ·			
3988-621				
1830-753				
8265 - 212		·····		
2981-593				
2210-014				
5 534-031				
09/328,24/				
M34-081				
8998-022				
5334-031 69/328,297 7934-087 8498-022 9710-015 69/93,370 6551-1186 10244-004 9301-069				
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The following U.S. Patents papers were received by the Pennie & Edmonds

Docketing Department on \_\_\_\_5/15/00

Office Actions	Filing Receipts	Assignments	Issue Notification	Other
8449-043				
2570-033				
9546-009				
8449-047				
8757-010				
7420-033				
8449-044				
2270-025				
09/039,104				
7818-021				
2710-003				
6526-154				
3118-018				
1434-041				
1250-003				
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174-690				en e manage de enqueron de
1969-083				
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The following <u>U.S. Patents</u> papers were received by the Pennie & Edmonds

Docketing Department on 5/16/00

Office Actions	Filing Receipts	Assignments	Issue Notification	Other
7426-043 9804-010 8141-134 18081-011 2017-021				
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Docketing Department on 5/17/00

		Assignments	Issue Notification	Other
Office Actions	Filing Receipts	Assignment		
975-016				
9952-004				
6261-208				
6551-1242				
10173-009			<u> </u>	
4821-291				
7934-085				
7032-058				
9754-006				
9826-006				
2287-011				
9754-008				
9754-007				
8152-04				
8122-019				
8265-317				
8125-013				
8760-021				
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4821-192				
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The following U.S. Patents papers were received by the Pennie & Edmonds

Docketing Department on \_\_\_\_5/18/00

Office Actions	Filing Receipts	Assignments	Issue Notification	Other
9301-013				
9301-013				
6551-1173				
9888-001				
9926-003			o .	
8484-080				
7960-115				
08/876,010				
4842-160				
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The following U.S. Patents papers were received by the Pennie & Edmonds

Docketing Department on \_\_\_\_\_5/19/00\_\_\_\_

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Office Actions	Filing Receipts	Assignments	Issue Notification	Other
9318-007				
9392-014		,		
8265-281				
2697-070				
174-724			٠٠.	
7310-177				
7444-029				
9797-003				
7064-027				
8265-211				
9874-621				
9457-013				
6452-197				
3756-399				
3301-008				
6511-163				
7326-050				
7565-057				
4387-006				

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Docketing Department on  $\frac{5}{30}$ 

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Office Actions	Filing Receipts	Assignments	Issue Notification	Other
7426-016				
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174-418				
174-684				
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The following U.S. Patent papers were received by the Pennie & Edmonds Docketing Department on  $\frac{5/33/00}{}$ 

Office Actions	Filing Receipts	Assignments	Issue Notification	Other
9392-013 9874-011 618-807 5960-063				
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Docketing Department on 5/84/00

Office Actions	Filing Receipts	Assignments	Issue Notification	Other
09/485,791				<u> </u>
174-745				
10165-006 08/914,575 9240-005				
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	Filing Receipts	Assignments	Issue Notification	Other
Office Actions	Hillig Receipt			
6261-197				
8607-019				
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318-286				
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The following U.S Patents papers were received by the Pennie & Edmonds

Docketing Department on 5/30/00

Office Actions	Filing Receipts	Assignments	Issue Notification	Other
8479-046	9435-015			
9426-029	9435-015 8479-047			
8479-048				
8479-045				
10382-003				
7682-049				
7853-149				
9175-004				
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Office Actions	Eiling eceipts	Assignments	Issue Notification	Other
2988-627	7840-010			
9965-004	6923-071			
8696-294	7565-066			
8934-003	318-294			
2287-006	8005-013		o o	
6713-047	8535-026			
7116-049	9627-004			
1683-041	9598-065			
8757-010	7761-009			
M30-065	7419-024			
3756-409	08/986,185			
7326-044	8757-011			
1831- 516	9366-003			
19/333, 266	9993-007			
756-410	9301-021			
1853-108	8262-304			
3657-027	8265-011			
5914-065	119-35/			
400-513	7960-119			
010-795				
1792-003				
1797-003				
2287-065			42-	
2011-119				
974-018				
561-208 1932-112				
<u>1932-112</u>				
535-028				
847-011				
565-068			<u> </u>	